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Redevelopment Board Minutes 09/09/2013

Arlington Redevelopment Board

September 9, 2013

2nd Floor Conference Room, Town Hall annex – 7:00 p.m.

PRESENT: Mike Cayer, Chair, Bruce Fitzsimmons, Christine Scypinski, Andy West, Andrew Bunnell joined the meeting in progress

ABSENT:

STAFF: Carol Kowalski, Laura Wiener

The Chair called the meeting to order, and the Board tabled the approval of the July 29, 2013 minutes to the next meeting. The Board asked that the landscape plan for the marketing trailer be reviewed to ensure it is being followed and that the trailer is not intruding on conservation land.

1. Discussion and approval Symmes/Arlington 360: Marketing Plan, Regulatory Agreements, Condominium Documentation, review of Special Permit and Land Disposition Agreement requirements to date including provision of Forest Management Plan.

The Board received the Affordable Housing Marketing Plan for Arlington 360, as approved by the Massachusetts Department of Housing & Community Development.

The Board had Mr. Upton confirm that the Rent Regulatory Agreement for low and moderate income units would be recorded with the deed, and proof of recording was to be provided to the Board.

VOTE: Mr. Fitzsimmons moved that the Board approve Local Initiative Program First Amendment to Regulatory Agreement and Declaration of Restrictive Covenants for Rental project. Ms. Scypinski seconded and all four members present voted in favor.

VOTE: Mr. Fitzsimmons moved to approve an exhibit for rent regulatory agreement for moderate income units, as drafted, except with an Exhibit D to be added thereto, based on Exhibit D of the Local Initiative Program First Amendment to Regulatory Agreement and Declaration of Restrictive Covenants for Rental project, but with the following changes: delete the relocation benefit in the last sentence and delete all references to the Department of Housing & Community Development, and change "low income" to "middle income", and to make such changes as considered appropriate by the Senior Planner/Housing Director as she deems appropriate and as approved by the Chairman of the Board. Mr. West seconded and all four members present voted in favor.

The Chairman then explained that since the Land Disposition Agreement (LDA) and Special Permit do not contemplate the concept of temporary certificates of occupancy, which the developer now seeks in preparation for allowing prospective occupants onto the site, a resolution was prepared to clarify that the terms and conditions of the LDA and Special Permit will be met before final certificates of occupancy will be issued.

VOTE: Mr. Fitzsimmons moved to adopt a resolution dated September 9, 2013 prepared by Jonathan Book of Foley Hoag, counsel to the Board. Mr. West seconded and all voted in favor.

The Chairman then asked the Board to acknowledge that all references to Certificate of Occupancy, wherever they may appear in project documents, shall always mean the final Certificate of Occupancy, and that the minutes should reflect this.

VOTE: Mr. Fitzsimmons moved that all references to Certificates of Occupancy as used in the Land Disposition Agreement and Special Permit refer to final Certificate of Occupancy as opposed to partial or temporary certificates of occupancy. Mr. West seconded and all voted in favor.

VOTE: Mr. Fitzsimmons moved that the Board authorize the Planning Department staff to provide certification that factual matters were completed and to issue letters confirming that posting of bonds relevant to the Symmes redevelopment program had, indeed, been posted. Mr. West seconded and all voted in favor.

VOTE: Ms. Scypinski moved to accept the Woody Vegetation Management Plan as provided by Arlington 360. Mr. Fitzsimmons seconded and all voted in favor.

Members would provide the Director by September 18 with their views on whether the Board has a Board objective for the master plan goals. The Director would get draft vision statement and draft goals to the Board when they are prepared. This would be on the September 23 agenda.

Documents used:

Resolution

Woody Vegetation Management Plan

Affirmative Marketing Plan

Master Deed of the Arlington 360 Primary Condominium

Declaration of Trust of the Arlington 360 Townhomes Condominium Trust

Middle Income Affordable Units First Amendment to Regulatory Agreement and Declaration of Restrictive Covenants for Rental project

Local Initiative Program First Amendment to Regulatory Agreement Declaration of Restrictive Covenants for Rental Project

Arlington 360 Affirmative Marketing Plan

Master Deed of the Arlington 360 Townhomes Condominium

Declaration of Trust The Arlington 360 Primary Condominium Trust

The meeting adjourned at 8:41pm.

Respectfully submitted

Carol Kowalski

Secretary ex officio

Approved as amended September 23, 2013

RESOLUTION

WHEREAS, the Arlington Redevelopment Board (the "Board") are parties to a certain Third Amended and Restated Land Disposition Agreement dated as of June 7, 2007, as amended (the "LDA"), with Arlington 360, L.L.C. (the "Redeveloper") concerning the redevelopment of the Symmes Arlington Conservation and Improvement Project (the "Project");

WHEREAS, the Board granted the Redeveloper special permit no. 3272 dated March 31, 2006 (the "Special Permit") for the residential portion of the Project (the "Residential Component");

WHEREAS, the LDA, the Special Permit and other documents in connection with the Residential Component contain certain obligations on the part of the Redeveloper to be satisfied as a precondition to the issuance of a final certificate of occupancy for the Residential Component (the "Conditions");

WHEREAS, the Redeveloper has requested that the Arlington Building Inspector (the "Building Inspector") issue temporary certificates of occupancy for completed portions of the Residential Component notwithstanding that the Conditions have not been fully satisfied;

RESOLVED: That the Board inform the Building Inspector that the Board has no objection to the issuance of temporary certificates of occupancy for completed portions of the Residential Component notwithstanding that the Conditions have not been fully satisfied, provided that the Building Inspector is satisfied that such completed portions comply with applicable building and safety codes. The Building Inspector shall not issue a final certificate of occupancy for the Residential Component until the Board has confirmed that the Conditions have been satisfied in full.